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Transcript of Dana J. Hoffman

Date: March 27, 2018

Case: Maryland Shall Issue, Inc., et al. -v- Hogan, et al.

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EXHIBIT
16

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MARYLAND

3 MARYLAND SHALL ISSUE, INC., :

4 et al. :

5 Plaintiffs, :

6 v. : Civil Case No.

7 LAWRENCE HOGAN, et al. : 16-cv-3311-MJG

8 Defendants.:

9 -----

10 CONTAINS CONFIDENTIAL INFORMATION

11 Deposition of DANA J. HOFFMAN

12 Baltimore, Maryland

13 Tuesday, March 27, 2018

14 11:40 a.m.

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16
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18
19
20 Job No.: 179483

21 Pages: 1 - 46

22 Reported By: Dawn M. Hart, RPR/RMR/CRR

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1 What is your current address?

2 A 7051 Carroll Avenue, Apartment 915, Takoma
3 Park, Maryland 20912.

4 Q And how long have you lived there?

5 A Twenty-eight years.

6 Q Are you on any medications today or do you
7 have any conditions that would prevent you from
8 testifying truthfully or from recalling events?

9 A No.

10 Q How did you get involved in the lawsuit?

11 A I went to a gun show and I saw a person
12 there at a booth entitled Maryland Shall Issue and I
13 asked them what that was about. And then I told them
14 about my problem and the reason that I wasn't able to
15 get a license to have a gun, and they said I would
16 probably be a good candidate for this -- I don't think
17 the suit was in process at that point, but I would be
18 someone that they would be of interest to have
19 testify.

20 Q Are you a member of Maryland Shall Issue?

21 A I am now. I wasn't then.

22 Q When did you become a member?

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1 I don't need the exact date.

2 A Last fall.

3 Q Okay. And this person that you saw at the
4 gun show who -- at the booth that you just told me
5 about, do you know that person's name?

6 A No, I don't.

7 Q Were you asked to be a witness in this case?

8 A Yes.

9 Q By whom?

10 A I got a phone call. I think they were just
11 calling various people who had reasons that they
12 wanted the law changed, and I was asked a bunch of
13 questions to see if I would be appropriate to testify,
14 or be a witness, and then I got a -- then I got a
15 subpoena.

16 Q Who was the person that called you and asked
17 you the question?

18 A Honestly I don't know. It was a woman.

19 Q Was it somebody who said they were from MSI,
20 Maryland Shall Issue?

21 A I'm not sure she was from them or just hired
22 by them. I'm not sure.

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1 Q Other than this woman and the person at the
2 gun show, have you talked to anybody else about this
3 lawsuit?

4 A Not really. I mean I know about it, but --

5 Q And how do you know about it?

6 A Because they asked me to testify.

7 Q Have you ever talked to Mr. Hansel prior to
8 today?

9 A I don't think so.

10 Q What about Mr. Sweeney?

11 A I don't think so.

12 Q So other than the person at the phone --
13 excuse me, at the booth at the gun show and this
14 person who called you on the phone, you haven't talked
15 to anybody else about the lawsuit; is that right?

16 A Well, I have. I've talked to -- I'm not
17 good with names so if you me a second, I can give you
18 a name.

19 Q Okay.

20 A (Retrieving cell phone.)

21 Mark Penick. I've spoken with him twice, I
22 think, but not in any depth.

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1 Q When was the most recent time when you spoke
2 to him?

3 A Last week when I couldn't reach Mr. Cary.

4 Q Mr. Hansel?

5 MR. HANSEL: Cary is my first name. You can
6 call me either one. Most folks just call me Cary.
7 Don't bother.

8 Q So what did you discuss with Mr. Penick last
9 week?

10 A About my ears and my anxiety about being on
11 the 20th floor.

12 Q Anything else?

13 A (Shakes head.)

14 Q No?

15 A No.

16 Q Do you own any firearms?

17 A I do not.

18 Q Have you ever owned any firearms?

19 A Yes.

20 Q When?

21 A I was raised around firearms, from the time
22 I was about 7.

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1 Q Your parents had them or your family?

2 A Whole family.

3 Q Where were you raised?

4 A Iowa.

5 Q Was it a rural environment that you grew up
6 in?

7 A Yes -- well, for the first five years of my
8 life it was.

9 Q So you've personally owned firearms in the
10 past?

11 A Yes.

12 Q Have you ever owned a handgun in the past?

13 A Yes.

14 Q When was that?

15 A From the time I was 7 until -- I technically
16 still own it, but it's in Iowa in a safe that belongs
17 to my uncle.

18 Q So you own one -- a handgun that you own is
19 in the possession of your uncle in Iowa; is that
20 right?

21 A Yes, and I think he thinks at this point he
22 owns it it's been there so long.

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1 Q Are there any other guns that you own that
2 are being held by other people?

3 A No.

4 Q What type of handgun is your uncle holding
5 for you?

6 A A Browning 22.

7 Q And you moved to Maryland, when?

8 A 1969.

9 Q And when you came to Maryland, you left the
10 handgun in Iowa?

11 A I moved here from Boston. The handgun has
12 always been in Iowa.

13 Q Okay. So it's been there since the 1960s?

14 A Yeah. Yes.

15 Q When was the last time you fired a handgun?

16 A Before -- I wasn't even 20 years old the
17 last time I fired a gun. I'm now 75.

18 Q So approximately 50 years ago?

19 A Probably.

20 Q And it's my understanding that you wish to
21 purchase a handgun; is that correct?

22 A I would at least like a license to be able

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1 to do that.

2 Q Why?

3 A Because I'm now 75, I'm disabled, I can't
4 defend myself the way I once could. I've had a couple
5 of instances which were frightening, and I felt very
6 vulnerable.

7 Q Can you tell me what those were?

8 A Yes. One I had been to a meeting in Takoma
9 Park. It was about 9:30 at night. I came home. Our
10 parking lot at that time didn't have as many lights as
11 it does now, and a man came out of the darkness and
12 tried to rob me.

13 Q And how long ago was this?

14 A I'm going to say 15 plus years.

15 Q So fifteen or more years ago?

16 A Yes.

17 Q Okay. And what happened? Did he rob you?

18 A I managed to get into the light where I
19 could be seen, and he left.

20 Q Were you in a wheelchair at that time?

21 A Yes.

22 Q So he didn't take anything from you?

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1 were there?

2 A Pistols.

3 Q Did you have a price range in mind of how
4 much you want to spend on this handgun?

5 A No. It's more important to me that it fit
6 my hand. I'm small.

7 Q Have you ever fired a handgun?

8 A Yes.

9 Q Have you fired one since you left Iowa?

10 A No.

11 Q So the last time would have been in the
12 1960s?

13 A (Nodding head.)

14 Q Is that right?

15 A Yes.

16 Q What is your understanding of what would be
17 required for you to obtain a handgun qualification
18 license?

19 A Well, here's where comes the problem.
20 Because I have hyperacusis, I can't go to a class and
21 be in a room with a bunch of other people learning
22 about gun safety, and I also can't go to a firing

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1 range and fire a gun.

2 Q I'm sorry, what is the condition called that
3 you have?

4 A Hyperacusis. A-C-U -- oh, here (handing).

5 Q Thank you.

6 MR. SCOTT: We'll have this marked as 68.

7 Q Is this a copy, or do you --

8 A It's a copy.

9 (Exhibit 68 was marked for identification
10 and was retained by Mr. Scott.)

11 Q So the letter that you handed me is a letter
12 from a doctor named William Gray at the University of
13 Maryland describing the condition of hyperacusis as an
14 intolerance to loud sounds?

15 A Well, it's not just to loud sound. It's
16 just sound.

17 MR. HANSEL: Can I take a look at the
18 letter, counsel?

19 MR. SCOTT: Yeah. I just want to finish
20 reading it.

21 A And you'll notice it says severe
22 hyperacusis.

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1 Q It says that exposure to loud sounds cause
2 severe discomfort and even pain; is that correct?

3 A It is and isn't. It doesn't take a loud
4 sound. If you were talking louder than you are, I
5 wouldn't be able to be in the room with you.

6 Q So let's go back to my question, which is
7 what's your understanding of what you would have to do
8 in order to obtain a Handgun Qualification License?

9 A My understanding is that I would have to go
10 to class -- to a class and be in a room with other
11 people, that I would have to go to a firing range and
12 fire at least 20 bullets, and that -- there may be
13 something else that I'm not remembering, but that's in
14 my mind right now.

15 Q Okay. And you believe that going to the
16 class would be problematic for you because of your
17 medical condition?

18 A Yes.

19 Q Have you done any research to determine
20 whether or not the training can be given outside of a
21 classroom setting?

22 A I have spoken to a young man who is in the